

**HIGHLIGHTS OF THE RECOMMENDED CHANGES  
TO PRELIMINARY ADOPTED PERMITTING RULES  
Air Permit Program Approval  
#00-267 (APCB)**

On June 6, 2001, the Air Pollution Control Board proposed certain changes to Indiana's air permitting rules. Based on further discussions with the public and with U.S. EPA, the IDEM recommends that certain additional changes be made prior to final adoption. The following is a brief description of the most significant of these recommendations:

**Revisions in response to Public Comment:**

Insignificant and Trivial Activities

- C Trivial activity thresholds were added to 326 IAC 2-7-1(40)(A). This is a separate category of trivial activity and is not a condition that affects those established by (B) through (Q).
- C New language in the definition of "insignificant activity" (326 IAC 2-7-1(21)(K)) and "trivial activity" (326 IAC 2-7-1(40)(R)) to clarify when changes involving these types of activities do not require a permit modification.

PSD

- C A new subsection [326 IAC 2-2-5(c)] to exempt total suspended particulate (TSP) matter emissions from air quality modeling, consistent with federal requirements. TSP is no longer a criteria pollutant under federal law and the corresponding provisions of 326 IAC 1-3 have not yet been adopted.
- C New language in 326 IAC 2-2-4(b)(2) to clarify that ambient ozone data is required when VOC emissions increase by 100 tons per year or more.

**Revisions of substance in response to discussions between the IDEM and the U.S. EPA:**

Pollution Control Projects

- C The Federal rules provide a specific exemption for qualifying Pollution Control Projects (PCPs) at steam electric generators. The U.S. EPA relies on their 1994 guidance to exempt PCPs at other types of sources. While the U.S. EPA will continue to work with the IDEM to approve non-utility PCPs, they feel the 40 CFR 51.166 will not allow them to approve these provisions as part of the SIP. Language is added or changed to conform to federal requirements as follows:
- C The definitions of "major modification" 326 IAC 2-2-1(x) and "pollution control project" 326 IAC 2-2-1(dd) are revised to limit the exemption to steam electric generators.
- C 326 IAC 2-2-1(x) now provides for approval of PCPs under the significant source modification provisions regarding both pollution control projects and pollution prevention projects.
- C The definition of "major modification" is revised to add the maintenance of any visibility limitation (related to Class I areas) as a qualification for exemption.
- C The definition of "major modification" is revised to conform with the provisions of 40 CFR 51.166(b)(2)(h) that require that the U.S. EPA retain the authority to determine that a proposed PCP renders the steam electric generator less environmentally beneficial
- C A new rule is added at [326 IAC 2-2.5] establishing procedures for providing an exemption to PSD for other PCPs. This rule is consistent with the 1994 U.S. EPA policy. At the current time the IDEM does not plan to submit this rule as a SIP revision. However, the IDEM will work closely with the U.S. EPA to ensure that they concur with PCP determinations.

Other PSD

- C Applicability has been clarified by moving the provisions relating to previously permitted

portable sources from 326 IAC 2-2-1(y)(6)(B) to 326 IAC 2-2-2(f) and by adding an applicability statement required by 40 CFR 51.166 as 326 IAC 2-2-2(e).

- C New language is added to the definition of “minor source baseline date” 326 IAC 2-2-1(aa) to allow the IDEM, rather than the U.S. EPA, to adjust minor source baseline dates for PSD increment consumption that have previously been established on the basis of total PM emissions if PM 10 emissions were insignificant.
- C The word “stationary” is added to 326 IAC 2-2-1(f)(3) to clarify what types of sources affect PSD increment consumption.
- C Changes were made to 326 IAC 2-2-6(b)(4) and (5) to update provisions related to exclusions related to SIP revisions.
- C New language is added to 326 IAC 2-2-12 for conformance with 40 CFR 51.166 and the new state provisions regarding permit rescission.

#### Emergency Provisions for Title V Permits

- C Consistent with deleting an emergency defense for health-based limits in 326 IAC 2-7-16(b), related language has been deleted in 326 IAC 2-7-16(g).

#### Other Title V Permit

- C The provision at 326 IAC 2-7-5(1)(E) regarding multiple exceedances of certain permit limits constituting a single potential violation was removed after receiving a letter dated May 3, 2001 from U.S. EPA stating that it was not consistent with 40 CFR 70.
- C Language has been added to 326 IAC 2-7-1(40)(R) to state that trivial activities need not be included in an application for a Title V permit provided that applicable requirements and compliance status are documented and that IDEM can request information if necessary to implement the Title V or FESOP program.
- C Language has been added to 326 IAC 2-1.1-9.5 that clarifies that “old” conditions expire when modified in future permit actions.
- C The definition for Title I conditions in 326 IAC 1-2-82.5 was removed and language was added to 326 IAC 2-1.1-9.5 that corresponds to language in 40 CFR 52.23.

#### **Revisions of an administrative nature:**

New language is included that:

- C revises the way the temperature is cited in 326 IAC 2-1.1-3(e)(10)(D);
- C adds “Part” to numerous citations of federal rules such as 40 CFR Part 52.21;
- C adds definitions for “Indian Governing Body” and “Indian Reservation” to the PSD rule at 326 IAC 2-2-1(t) & (u);
- C revises language to the definition of “major stationary source” 326 IAC 2-2-1(y)(1) from “....may be located” to “...proposed to be located..”;
- C adds federal air approvals to the definition of “necessary preconstruction approvals or permits” 326 IAC 2-2-1(bb);
- C conforms with federal language regarding PSD increment consumption and “minor source baseline date” within the definition of “net emissions increase” 326 IAC 2-2-1(cc);
- C correctly references Title I “modifications” rather than Title I “conditions” in 326 IAC 2-7-1(21)K(iii) & (40)(R)(iii) regarding those insignificant and trivial activities that are subject to permit modifications.